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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JOAQUIN A. RODRIGUEZ TORRES,  
 CORNELIA M. STEUBE,

Plaintiffs,

v.

GERARD HEINAUER, Director, U.S.  
 Citizenship and Immigration Services,  
 Nebraska Service Center;  
 DR. EMILIO T. GONZALEZ, Director, U.S.  
 Citizenship and Immigration Services;  
 MICHAEL CHERTOFF, Secretary of the U.S.  
 Department of Homeland Security;  
 ROBERT MUELLER, Director,  
 Federal Bureau of Investigations;  
 ALBERTO GONZALES, Attorney General,  
 U.S. Department of Justice,

Defendants.

No. C 07-3345 TEH

**JOINT CASE MANAGEMENT  
 STATEMENT and [Proposed] ORDER**

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 5 U.S.C. § 706 and 28 U.S.C. § 1361. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts:

The plaintiffs each filed a Form I-485 application to adjust their status to lawful permanent

1 resident with the United States Citizenship and Immigration Services (USCIS) on or about June  
2 14, 2004. The USCIS has not yet adjudicated the Form I-485 applications. Plaintiff Rodriguez  
3 Torres's name check remains pending with the FBI. Plaintiff Steube Plaintiffs filed an action on  
4 June 26, 2007, seeking an order from this Court directing USCIS to adjudicate their Form I-485  
5 applications.

6 3. Legal Issues:

7 Whether this Court should dismiss the plaintiffs' action as to certain defendants for lack of  
8 subject matter jurisdiction. Whether the USCIS is processing the plaintiffs' I-485 applications  
9 within a reasonable period of time.

10 4. Motions:

11 The parties intend to file cross-motions for summary judgment.

12 5. Amendment of Pleadings:

13 No parties, claims or defenses are expected to be added or dismissed.

14 6. Evidence Preservation:

15 The parties do not have any evidence that falls within this category.

16 7. Disclosures:

17 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
18 this case.

19 8. Discovery:

20 The parties do not intend to take any discovery at this time.

21 9. Class Actions:

22 N/A

23 10. Related Cases:

24 The parties are not aware of any related case or cases.

25 11. Relief:

26 The plaintiffs ask this Court to direct USCIS to adjudicate their Form I-485 applications.

27 12. Settlement and ADR:

28 The parties' filed a joint request for an exemption from the ADR process on September 10,

1 2007.

2 13. Consent to Magistrate Judge for All Purposes:

3 Plaintiffs do not consent to a magistrate judge.

4 14. Other References:

5 The parties do not believe that this case is suitable for reference to binding arbitration, a  
6 special master, or the Judicial Panel on Multidistrict Litigation.

7 15. Narrowing of Issues:

8 The parties do not believe that the issues can be narrowed by agreement or by motion, and do  
9 not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or  
10 stipulated facts), and any request to bifurcate issues, claims or defenses.

11 16. Expedited Schedule:

12 The parties believe this case can be resolved on cross-motions for summary judgment.

13 17. Scheduling:

14 The parties propose filing cross-motions for summary judgment on October 26, 2007, if they  
15 are unable to resolve the matter by then.

16 18. Trial:

17 The parties do not anticipate the need for a trial in this case.

18 19. Disclosure of Non-party Interested Entities or Persons:

19 The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil  
20 Local Rule 3-16.

21 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this  
22 matter.

23 None.

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1 Date: September 24, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
United States Attorney

3  
4 /s/  
ILA C. DEISS  
5 Assistant United States Attorney  
Attorneys for Defendants

6  
7  
8 Date: September 24, 2007

/s/  
MARTIN J. LAWLER  
Attorney for Plaintiff

9  
10 **CASE MANAGEMENT ORDER**

11 The Joint Case Management Statement and Proposed Order are hereby adopted by the  
12 Court as the Case Management Order for the case, and the parties are ordered to comply with this  
13 Order.  
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15 Date:

16 THELTON E. HENDERSON  
United States District Judge  
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